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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,599	02/11/2002	Koichiro Daigo	02078/LH	5934

1933 7590 04/04/2007  
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
220 Fifth Avenue  
16TH Floor  
NEW YORK, NY 10001-7708

EXAMINER
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NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/073,599

Applicant(s)

DAIGO ET AL.

Examiner

LUONG T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 7-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 7-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/20/2007 has been entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 7, 13, 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ihara et al. (JP 2000-287184).

Regarding claim 1, Ihara discloses an image pickup device comprising:

an image pickup unit configured pick up a plurality of images of at least one object (CCD video camera 22, figures 1, 3, 4, paragraph [0059]);

an image storage unit configured to store a plurality of image files corresponding to the images picked up by the image pickup unit (VRAM 65, figure 8, paragraphs [0036], [0057], [0058]);

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connection unit connectable to the network (Internet 92, figure 1, paragraph [0017]);  
an address storage unit configured to store a plurality of addresses corresponding to a plurality of information files on the network set by a user in advance (server 95; Ihara discloses that a user can input URLs by operating a key board 4, this indicates that the URLs can be set in advance by a user, figure 1, paragraphs [0017], [0032], [0068] - [0069]);

an information obtaining unit configured to obtain the information files on the network based on the address stored in the address storage unit (CPU 52 detects global 2D code, paragraph [0059]);

an adding unit configured to add the information files stored in the information storage unit (2D code which corresponds to URL (<http://www.music.co.jp/Info/contentA>) is superimposed on image, figure 19, paragraphs [0055], [0077], [0068]).

Regarding claim 7, Ihara discloses an image recording method comprising:

connecting an image pickup device through a network (combination of CCD video camera 22 and personal computer 1 is connected to Internet 92, figures 1-3, 8, paragraph [0017]) to a site designated by an address stored in a memory of the image pickup device, said address being stored in advance by a user (the URLs are stored in hard disk drive 56 of the personal computer 1, figures 1-3, 8, paragraph [0027] - [0032]; Ihara discloses that a user can input URLs by operating a key board 4, this indicates that the URLs can be set in advance by a user, figure 1, paragraphs [0017], [0032], [0068] - [0069]).

obtaining an information file from the site through the network (CPU 52 detects global 2D code, paragraph [0059]);

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storing a picked up image file with the stored information filed added thereto (2D code which corresponds to URL (<http://www.music.co.jp/Info/contentA>) is superimposed on image, figure 19, paragraphs [0030] - [0032], [0055], [0077], [0068]).

Regarding claim 13, Ihara discloses an image recording system comprising:

an image recording unit connectable to a network and configured to record an image data file of an object (CCD video camera 22, which is included in personal computer 1, is connected to Internet 92, figure 1, paragraph [0017], [0030]);

server unit (server 95, figure 1, paragraphs [0017], [0032]) configured provide information file through the network,

wherein, when the image recording unit records the image data file, the image recording unit adds the information file, which is obtained from the server unit by the image recording unit through the network based on an address of the information file, to the image data file (2D code which corresponds to URL (<http://www.music.co.jp/Info/contentA>) is superimposed on image, figure 19, paragraphs [0030] - [0032], [0055], [0077], [0068]), said address being set by user in advance (Ihara discloses that a user can input URLs by operating a key board 4, this indicates that the URLs can be set in advance by a user, figure 1, paragraphs [0017], [0032], [0068] - [0069]).

Regarding claim 16, Ihara discloses an image recording system comprising:

an image recording unit (personal computer 1, figures 1, 3, 4, paragraph [0059]) configured to record image data files of at least one object;

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a plurality of server units (server 95, servers 94-1, 94-2, figure 1, paragraphs [0017], [0032], [0069]) configured to provide information files through the network;

a network access unit connected image recording unit and configured to be connected to the server units through the network (Internet 92, figure 1, paragraph [0017]), to obtain the information files from the server units through the network based on a plurality of addresses of the information files, (CPU 52 detects global 2D code, paragraph [0059]), and to transfer the obtained information files to the image recording unit (paragraph [0046]), said address being set by user in advance (Ihara discloses that a user can input URLs by operating a key board 4, this indicates that the URLs can be set in advance by a user, figure 1, paragraphs [0017], [0032], [0068] - [0069]);

wherein the image recording unit records transferred information files association with recorded image data files (2D code which corresponds to URL (<http://www.music.co.jp/Info/contentA>) is superimposed on image, figure 19, paragraphs [0030] - [0032], [0055], [0077], [0068]).

Regarding claim 17, Ihara discloses the image recording unit records the transferred information file in association with recorded image data files based on an obtaining date of the transferred information files and a pick-up date of the recorded image data files (paragraph [0041]).

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Regarding claim 18, Ihara discloses wherein the image recording unit records information files in association with recorded image data files that have a same obtaining date same as the pick-up date of the recorded image data files (paragraph [0041]).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 8, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara et al. (JP 2000-287184) in view of Nakamura (US 6,917,968).

Regarding claim 2, Ihara fails to specifically disclose a setting unit configured to set time interval at which the information obtaining unit obtains information files on the network based on the address stored in the address storage unit.

However, Nakamura teaches a communication time interval setting unit 615 sets the time intervals at which variations information is transmitted to the WWW servers 700a (figure 9, column 12, lines 14-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in order to set interval for transmitting different information. This allows the transmission of different information at different time interval.

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Regarding claims 8, 14, Ihara fails to specifically disclose cyclically obtaining the information file with a predetermined time interval.

However, Nakamura teaches a communication time interval setting unit 615 sets the time intervals at which variations information is transmitted to the WWW servers 700a (figure 9, column 12, lines 14-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ihara by the teaching of Nakamura in order to set interval for transmitting different information. This allows the transmission of different information at different time interval.

Regarding claim 15, Ihara discloses a plurality of respective addresses of a plurality of information files are set in advance by the user (Ihara discloses that a user can input URLs by operating a key board 4, this indicates that the URLs can be set in advance by a user, figure 1, paragraphs [0017], [0032], [0068] - [0069]), and the image recording unit obtains the plurality of information files through the network (CPU 52 detects global 2D code, paragraph [0059]); and Nakamura discloses the predetermined time interval is determined for each information to be obtained based on a content of the information (column 12, lines 14-26).

6. Claims 4, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara et al. (JP 2000-287184) in view of Quinn et al. (US 6,449,617).

Regarding claims 4, 10, Ihara fails to specifically disclose a browser file creating unit

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configured to create file including the image files stored the image storage unit and information files added to the image files in a format which can be browsed by a terminal accommodating a browser software.

However, Quinn et al. teaches software browsers and file in an application program used to create the HTML file while viewing the HTML file in a browser program (column 1, lines 5-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ihara by the teaching of Quinn et al. in order to allow a user edits an electronic file (column 2, lines 60-63).

7. Claims 5, 9, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara et al. (JP 2000-287184) in view of Nakamura (US 6,917,968) further in view of Quinn et al. (US 6,449,617).

Regarding claims 5, 9, 11, 12 Ihara fail and Nakamura fail to specifically disclose a browser file creating unit configured to create files having the image files stored the image storage unit and information files added to the image files in a format which can be browsed by a terminal accommodating a browser software.

However, Quinn et al. teaches software browsers and file in an application program used to create the HTML file while viewing the HTML file in a browser program (column 1, lines 5-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Ihara by the teaching of Quinn et al. in order to allow a user edits an electronic file (column 2, lines 60-63).

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8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ihara et al. (JP 2000-287184).

Regarding claim 19, Ihara et al. fails to disclose wherein the image recording unit outputs the recorded image data and obtained information in a formed allowing be printed out at once. However, Ihara et al. discloses 2D code is superimposed on the image of a program (paragraph [0077]), and noted that they are stored in the personal computer 1 in a form of a file. It would have been obvious to one of ordinary skill in the art to connect the personal computer to a printer in order to print image data file.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN  
03/30/07



**LUONG T. NGUYEN**  
**PATENT EXAMINER**